

Notice of Allowability

Application No.

09/974,040

Examiner

Camie S. Thompson

Applicant(s)

KODY ET AL.

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed April 28, 2005.
2. ☒ The allowed claim(s) is/are 1-2, 7-15, 17-21, 23-24, 29, 36-38 and 45-53.
3. ☒ The drawings filed on 09 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kent S. Kokko on June 30, 2005.

The application has been amended as follows:

Delete the term "or" following the phrase "a blend of one or more of these polymers" and insert the term - - and - in claim 15.

Claim 22 is cancelled.

Delete the phrase "can be" following the phrase "wherein one microfiber layer" and following the phrase "and one microfiber layer" in claim 29.

2. The following is an examiner's statement of reasons for allowance: The prior art does not provide for a co-extruded, uni-axially oriented multi-layer film comprising a co-extruded uni-axially oriented microfiber layer, wherein the film comprises two opposing surfaces, each surface comprising microfibers having average effective diameters of less than 20 microns and transverse aspect ratios of from 1.5:1 to 20:1, wherein one surface is hydrophilic and one surface is hydrophobic.

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Also, the prior art does not provide for a co-extruded, uni-axially oriented, multi-layer film comprising a non-microfiber layer sandwiched between two microfiber-forming layers, wherein one microfiber layer microfibrillated to a hydrophilic surface, and one microfiber layer microfibrillated to a hydrophobic surface.

The prior art does not provide for a multi-layer microfiber article comprising a first microfiber layer at a surface of the article, and second microfiber layer adjacent to the first microfiber layer, wherein areas of the surface are microfibrillated to form microfibers of only the first layer, and areas of the surface are microfibrillated through the first layer to form microfibers of the second layer.

The prior art does not provide for a multi-layer film comprising two microfiber layers, wherein one microfiber layer is hydrophilic and one microfiber layer is hydrophobic.

The prior art does not provide for a co-extruded, uni-axially oriented multi-layer film comprising a co-extruded uni-axially oriented microfiber layer, wherein the film comprises two opposing surfaces, wherein on surface is hydrophilic and one surface is hydrophobic, and wherein each surface comprises microfibers having average effective diameters of less than 5 microns.

The prior art does not provide for a co-extruded, uni-axially oriented multi-layer film comprising a co-extruded uni-axially oriented microfiber layer, wherein the film comprises two opposing surfaces, wherein on surface is hydrophilic and one surface is hydrophobic, and wherein each surface comprises microfibers having average cross-sectional areas of $0.7 \mu^2$ to $2.1 \mu^2$.

The prior art does not provide for a multi-layer film comprising two microfiber layers, wherein one microfiber layer is hydrophilic and one microfiber layer is hydrophobic, and wherein each

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microfiber layer comprises microfibers having average effective diameters of less than 5 microns.

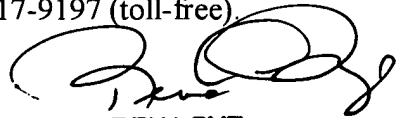
The prior art does not provide for a multi-layer film comprising two microfiber layer, wherein one microfiber layer is hydrophilic and one microfiber layer is hydrophobic, and wherein each microfiber layer comprises microfibers having average cross-sectional areas of $0.7 \mu^2$ to $2.1 \mu^2$.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Camie S. Thompson whose telephone number is 571-272-1530. The examiner can normally be reached on Monday-Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena L. Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RENA DYE
SUPERVISORY PATENT EXAMINER

A.U. 1774

7/11/05